

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, JUNE 28, 1994  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:04 a.m. The meeting was recessed by Mayor Golding at 10:13 a.m. to convene the Redevelopment Agency and thereafter the Housing Authority. The meeting was reconvened by Mayor Golding at 10:17 a.m. with Deputy Mayor Stevens not present. The meeting was recessed at 11:40 a.m. to convene the special City Council meeting and thereafter to meet in Closed Session at 1:50 p.m. in the twelfth floor conference room and to reconvene the regular meeting at 2:00 p.m. The meeting was reconvened by Mayor Golding at 2:13 p.m. with Deputy Mayor Stevens not present. Mayor Golding simultaneously convened Council and the Redevelopment Agency meeting at 3:17 p.m. Mayor Golding recessed Council to convene the San Diego Housing Authority. Mayor Golding reconvened the Council meeting at 3:45 p.m. with Deputy Mayor Stevens not present. Mayor Golding adjourned the meeting at 4:25 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-Present
- (1) Council Member Mathis-present
- (2) Council Member Roberts-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-excused by  
R-284319 (City business in Washington,  
D.C.)
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

Clerk-Abdelnour/Fishkin (mp/rb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-not present
- (2) Council Member Roberts-present
- (3) Council Member Kehoe-not present
- (4) Council Member Stevens-not present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-not present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-1:

Request by Matt Peterson to reconsider the Council's disposition of Item-114 from the meeting of Monday, June 27, 1994, and to have that matter referred back to the PF&R Committee for a closer review.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A029-050.)

COUNCIL COMMENT:

None.

ITEM-330:

SUBJECT: Park Village Landscape Maintenance District.  
(Rancho Penasquitos Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1736) ADOPTED AS RESOLUTION R-284179

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed

maintenance, in the matter of the Park Village  
Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the assessments for the maintenance of landscaped medians and slopes in the Park Village Landscape Maintenance District. The developer of the subdivision will continue to provide all necessary maintenance for any newly landscaped areas until they are turned over to and accepted by the district. The Fiscal Year 1995 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 85,000
Personnel	17,988
Utilities	16,600
Incidentals	24,200
Total Expenses	\$143,788
Reserve	67,341
Total	\$211,129
Less Carry-over and Interest	(87,552)
Less City Contribution	( 6,729)
Assessed to District	\$116,848

Zone 1 is an overlay zone that consists of all dwelling units in the district. All dwelling units are determined to benefit equally from the Black Mountain Road landscaping and therefore all are assessed \$7.50 for Fiscal Year 1995. Zones 2 and 3 are bounded by Black Mountain Road. Zone 2 is assessed \$31.50 for its maintenance plus \$7.50 for the overlay zone for a \$39.00 total assessment. Zone 3 has no maintenance and is only assessed \$7.50 for the overlay zone. The assessment amounts for the previous Fiscal Year 1994 were the same.

FILE LOCATION: STRT M-334

COUNCIL ACTION: (Tape location: A067-071.)

Hearing began at 10:10 a.m. and halted at 10:11 a.m.

MOTION BY McCARTY TO ADOPT THE RESOLUTIONS FOR ITEMS-330 THROUGH -335 AND TO INTRODUCE THE ORDINANCE FOR ITEM-336. Second by Stallings. Passed by the following vote:  
Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Penasquitos East Landscape Maintenance District.  
(Rancho Penasquitos Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1739) ADOPTED AS RESOLUTION R-284180

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Penasquitos East Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the annual assessments for the Penasquitos East Landscape Maintenance District. The district provides maintenance for the maintenance of landscaped medians and open space within the district. The Fiscal Year 1995 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$110,000
Personnel	12,849
Utilities	19,750
Incidentals	43,210
Total Expenses	\$185,809
Reserve	55,760
Total	\$241,569
Less Carry-over & Interest	(69,933)
Less City Contribution	(16,310)
Assessed to District	\$155,326

The amount assessed to the district in Fiscal Year 1995 will be \$11.85 per dwelling unit, the same as for Fiscal Year 1994.

FILE LOCATION: STRT - M-335

COUNCIL ACTION: (Tape location: A067-071.)

Hearing began at 10:10 a.m. and halted at 10:11 a.m.

MOTION BY McCARTY TO ADOPT THE RESOLUTIONS FOR ITEMS-330 THROUGH -335 AND TO INTRODUCE THE ORDINANCE FOR ITEM-336. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Rancho Bernardo Landscape Maintenance District.  
(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1742) ADOPTED AS RESOLUTION R-284181

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Rancho Bernardo Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the annual assessments for the Rancho Bernardo Landscape Maintenance District. The district provides maintenance of landscaped and paved street medians and streetscapes. The Fiscal Year 1995 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 95,000
Personnel	12,849
Utilities	27,500
Incidentals	33,548
Total Expenses	\$168,897
Reserve	56,785
Total	\$225,682
Less Carry-over & Interest	(96,238)
Less City Contribution	(13,221)
Assessed to District	\$116,223

The annual assessment for Fiscal Year 1995 will be \$7.72 per dwelling unit, the same as for Fiscal Year 1994.

FILE LOCATION: STRT M-336

COUNCIL ACTION: (Tape location: A067-071.)

Hearing began at 10:10 a.m. and halted at 10:11 a.m.

MOTION BY McCARTY TO ADOPT THE RESOLUTIONS FOR ITEMS-330 THROUGH -335 AND TO INTRODUCE THE ORDINANCE FOR ITEM-336. Second by Stallings. Passed by the following vote:  
Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Sabre Springs Landscape Maintenance District.  
(Sabre Springs Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1745) ADOPTED AS RESOLUTION R-284182

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Sabre Springs Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the annual assessments for the Sabre Springs Landscape Maintenance District. The district provides maintenance for landscaped medians, slopes and open spaces within the district boundaries. The Fiscal Year 1995 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 70,000
Personnel	25,698
Utilities	8,700
Incidentals	29,109
Total Expenses	\$133,507
Reserve	48,956
Total	\$182,463
Less Carry-over & Interest	(54,533)
Less City Contribution	(30,255)
Assessed to District	\$ 97,675

The proposed assessment for Fiscal Year 1995 is \$15.57 per dwelling unit, compared to \$16.32 for Fiscal Year 1994. The decrease is due to an increase of assessable units in Fiscal Year 1995.

FILE LOCATION: STRT - M-337

COUNCIL ACTION: (Tape location: A067-071.)

Hearing began at 10:10 a.m. and halted at 10:11 a.m.

MOTION BY McCARTY TO ADOPT THE RESOLUTIONS FOR ITEMS-330 THROUGH -335 AND TO INTRODUCE THE ORDINANCE FOR ITEM-336.

Second by Stallings. Passed by the following vote:  
Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-not present,  
Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor  
Golding-yea.

ITEM-334:

SUBJECT: Tierrasanta Landscape Maintenance District.  
(Tierrasanta Community Area. District-7.)  
CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1748) ADOPTED AS RESOLUTION R-284183

Considering the protests, approving the modified map,  
confirming the assessments, and ordering the proposed  
maintenance, in the matter of the Tierrasanta Landscape  
Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the annual assessments for the  
Tierrasanta Landscape Maintenance District. The district  
provides maintenance for the maintenance of open space, center  
islands, and street light and street name standards. The Fiscal  
Year 1995 proposed maintenance costs for the district are as  
follows:

Contractual Maintenance	\$337,100
Personnel	51,395
Utilities	85,450
Incidentals	67,943
Total Expenses	\$541,888
Reserve	126,923
Total	\$668,811
Less Carry-over and Interest	(252,111)
Less City Contribution	(39,972)
Assessed to District	\$376,728

The proposed assessment for Fiscal Year 1995 will be \$44.07 for a  
dwelling unit, the same as for Fiscal Year 1994.

FILE LOCATION: STRT M-338

COUNCIL ACTION: (Tape location: A067-071.)

Hearing began at 10:10 a.m. and halted at 10:11 a.m.

MOTION BY McCARTY TO ADOPT THE RESOLUTIONS FOR ITEMS-330 THROUGH -335 AND TO INTRODUCE THE ORDINANCE FOR ITEM-336. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335:

SUBJECT: Newport Avenue Landscape Maintenance District.  
(Ocean Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1754) ADOPTED AS RESOLUTION R-284184

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Newport Avenue Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the annual assessments for the Newport Avenue Landscape Maintenance District. The district provides maintenance of landscape planters in the public right-of-way and sidewalk. The Fiscal Year 1995 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$17,500
Personnel	7,711
Utilities	1,425
Incidentals	9,096
Total Expenses	\$35,732
Reserve	7,448
Total	\$43,180
Less Carry-over and Interest	(9,810)
Less City Contribution	0
Assessed to District	\$33,370

The proposed unit assessment for Fiscal Year 1995 is \$9.74 per frontage foot, the same as for Fiscal Year 1994.

FILE LOCATION: STRT M-333

COUNCIL ACTION: (Tape location: A067-071.)

Hearing began at 10:10 a.m. and halted at 10:11 a.m.

MOTION BY McCARTY TO ADOPT THE RESOLUTIONS FOR ITEMS-330 THROUGH -335 AND TO INTRODUCE THE ORDINANCE FOR ITEM-336. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336:

SUBJECT: Landscape Maintenance Agreement with Adams Avenue Business Association.  
(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-94-125) INTRODUCED, TO BE ADOPTED JULY 11, 1994

Introduction of an Ordinance amending Ordinance No. O-16479, which established the Adams Avenue Business Improvement District, for the purpose of modifying assessments within a portion of the District to finance the maintenance of landscaping and public improvements.

CITY MANAGER SUPPORTING INFORMATION:

Over the past 10 years, the City has financed and installed several blocks of streetscape and infrastructure improvements on Adams Avenue in Mid-City. The next planned Adams Avenue project is three blocks of new curbs, gutters, sidewalks, driveways, street trees, electrical and irrigation facilities and refurbished street lights between Felton Street and Mansfield Street. This project is fully funded and scheduled for construction in the Summer of 1994. New street trees maintenance is typically financed through a landscape maintenance district assessment on adjacent property owners. In order to reduce the financial burden on local property owners, the Adams Avenue Business Association (AABA) has requested that approximately one-third of the maintenance costs be financed by local businesses in the project area through the creation of a subzone in the Adams Avenue Business Improvement District (BID). It is proposed that, beginning in FY '95, each of the 36 businesses

within the project area subzone pay an \$85 annual surcharge on top of their \$40-70 business license fee for the BID. This change requires an ordinance amendment. AABA has also requested that it be designated by the City to directly administer the 3-block tree maintenance program. A petition signed by owners of 67 percent of the parcel area within the project area supports the AABA administration of the tree maintenance program. An agreement authorizing the AABA to take on the program administration is proposed for approval. With approval of the agreement and establishment of the Business Improvement District subzone and Landscape Maintenance District (LMD), the City would receive the BID and LMD funds and reimburse the AABA for legitimate costs incurred in accordance with an approved annual budget and this agreement. The agreement, annual budget and reimbursement payments would be administered by Economic Development Services.

FILE LOCATION: STRT L-5

COUNCIL ACTION: (Tape location: A067-071.)

Hearing began at 10:10 a.m. and halted at 10:11 a.m.

MOTION BY McCARTY TO ADOPT THE RESOLUTIONS FOR ITEMS-330 THROUGH -335 AND TO INTRODUCE THE ORDINANCE FOR ITEM-336. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-337:

SUBJECT: Otay Mesa Public Facilities Financing Plan and  
Development Impact Fees for Fiscal Year 1995.  
(Otay Mesa Community Planning Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the PFFP and rescind previous plan portions that are no longer applicable. Adopt the non-residential fees:

NOTE: Impact fees for the residential portion has been scheduled and Noticed for August 2, 1994.

Subitem-A: (R-94-1973 Rev.1) ADOPTED AS AMENDED AS  
RESOLUTION R-284185

Adoption of a Resolution adopting the Otay Mesa Public  
Facilities Financing Plan for FY 95.

Subitem-B: (R-94-2006) ADOPTED AS RESOLUTION R-284186

Adoption of a Resolution adopting the Development  
Impact Fees for the non-residential portion.

Subitem-C: (R-94-1975) ADOPTED AS RESOLUTION R-284187

Adoption of a Resolution establishing a fund for the  
west subarea.

OTHER RECOMMENDATIONS:

Planning Commission voted 5-0 to recommend approval.  
The Otay Mesa Planning Group has recommended approval of the  
Public Facilities Financing Plan for FY 1995 with  
modifications.

SUPPORTING INFORMATION:

For Fiscal Year 1995, the City is updating the Otay Mesa  
Public Facilities Financing Plan (PFFP) for the Otay Mesa  
Community Planning area. This updated PFFP if approved by  
City Council would accomplish the following:

- 1) Divide the area into two separate subareas with  
different Development Impact Fee (DIF) structures;
- 2) Add some new public facility projects and delete or  
defer others;
- 3) Provide an updated schedule of anticipated residential,  
commercial and industrial development in the community;  
and
- 4) Modify the DIF rate per dwelling unit or  
commercial/industrial acre to reflect the public  
facility needs and the updated development schedule for  
both subareas of the community.

NOTE: See Item 338 for a companion item.

FILE LOCATION: LAND - Otay Mesa Community Plan

COUNCIL ACTION: (Tape location: A138-458.)

Hearing began at 10:17 a.m. and halted at 10:39 a.m.

Testimony in opposition by Anthony Ellis and Chester  
Gannett.

Testimony in favor by Lynne Heidel, Tom Silva, Dave Nielsen, Rob Hixson, Laurie McKinley, Robin Casey, and Tim O'Grady.

MOTION BY VARGAS TO ADOPT THE RESOLUTIONS WITH THE FOLLOWING CONDITIONS: HAVE THE FINANCING PLAN REFLECT THE PRESENCE OF THE FEDERAL PORT OF ENTRY ON OTAY MESA AND ITS IMPACT ON LOCAL STREETS AND ROADS. REITERATE THE CITY'S POSITION THAT IT IS THE FEDERAL'S RESPONSIBILITY TO CONNECT THE PORT WITH THE HIGHWAY SYSTEMS AND TO PAY FOR THE IMPACTS THE FACILITY MAY HAVE ON CITY STREETS AND ROADS. IDENTIFY THE APPROPRIATE PROJECTS FOR WHICH FEDERAL FUNDING IS REQUESTED. WITH RESPECT TO WHERE THE FIRST COMMUNITY PARK SHOULD BE BUILT, NORTHERN OR SOUTHERN PART OF THE COMMUNITY, STAFF IS DIRECTED TO MEET WITH THE LANDOWNERS TO WORK OUT A COMPROMISE AND RETURN TO COUNCIL IN SIX MONTHS. IN ADDITION, STAFF IS DIRECTED TO PREPARE AN INTERIM FEE SCHEDULE FOR CUP USERS UP ON THE MESA, AND RETURN TO COUNCIL BY AUGUST 2, 1994, INASMUCH AS MANY CUPs WILL BE BACK TO COUNCIL FOR RENEWAL SOMETIME IN EARLY AUGUST. Second by McCarty. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-338:

SUBJECT: Reimbursement Agreement - Preparation of Public Facilities Financing Plan for Otay Mesa.  
(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1977) ADOPTED AS RESOLUTION R-284188

Authorizing a reimbursement agreement with Pardee Construction Company, for DIF credits or cash reimbursements in exchange for the preparation of the Public Facilities Financing Plan for the community of Otay Mesa.

CITY MANAGER SUPPORTING INFORMATION:

The Public Facilities Financing Plan for Otay Mesa (PFFP) was first approved back in 1986. The PFFP was subsequently updated with a "mini" update in November, 1991 in order to add the Southern Area Police Station as a new public facilities project with partial funding from the Otay Mesa DIF. However, the basis PFFP has not been updated since 1986. Following the termination

of the residential building moratorium in Otay Mesa last fall, City Planning staff agreed with a request from a number of residential property owners and the Otay Mesa Community Planning Group that the PFFP be updated at this time. In an effort to prepare the update to the PFFP in a cost effective and expeditious manner, Pardee Construction Company, one of the residential developers in the Community, agreed to advance funds and hire an engineering consultant to prepare this update. The consultant who was selected was Leppert Engineering Corporation (Leppert). Leppert has significant experience in the preparation of financing plans, having prepared the annual updates for the Sabre Springs Financing Plan since 1986.

The update before Council today is a separate item. The proposed reimbursement agreement provides for Pardee to advance the total cost for the preparation of the update to the PFFP. Reimbursement is to come in the form of receiving credits against the future payment of DIF fees.

NOTE: See Item 337 for a companion item.

FILE LOCATION: LAND - Otay Mesa Community Plan  
CONFY94-1

COUNCIL ACTION: (Tape location: A078-081.)

MOTION BY VARGAS TO ADOPT THE RESOLUTION. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-339: CONTINUED TO JULY 12, 1994

SUBJECT: Three actions related to North Torrey Pines Road at Genesee Avenue Intersection.  
(See City Manager Report CMR-94-166. University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-1888)

FINDINGS MUST BE MADE AS PART OF COUNCIL ACTION  
Determining and declaring that the public interest,

convenience and necessity of the City of San Diego require the construction, improvement, operation and maintenance of public streets and incidents, together with the right-of-way for the right of ingress and egress over, under, along, and across portions of Lot 1 and portions of Lot 2 of La Jolla Pines Technology Centre; and that the public interest, convenience and necessity demand the acquisition of fee title to the property for rights-of-way for the widening and rebuilding of the intersection at North Torrey Pines Road and Genesee Avenue;

Declaring the intention of the City of San Diego to acquire the property under eminent domain proceedings; and that the taking and acquiring of the property under eminent domain proceedings are deemed necessary; and Directing the City Attorney to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning and acquiring the property and acquiring immediate possession.

Subitem-B: (R-94-1812)

Authorizing the expenditure of not to exceed \$2,000,000 from CIP-52-471.0, Facilities Benefit Assessment Fund 79001, for acquisition of property rights and related costs in connection with a condemnation action for the widening and rebuilding of the intersection of North Torrey Pines Road and Genesee Avenue.

Subitem-C: (R-94-1813)

Certifying that the information contained in Mitigated Negative Declaration DEP-92-0132, in connection with the approval of a condemnation action in connection with right-of-way at North Torrey Pines Road and Genesee Avenue, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that the Declaration has been reviewed and considered by Council;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project in order to mitigate or avoid significant effects on the environment.

Aud. Cert. 9401138.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A050-065.)

MOTION BY ROBERTS TO CONTINUE THE ITEM FOR TWO WEEKS TO JULY 12, 1994, AT THE REQUEST OF THE CITY MANAGER. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-340:

SUBJECT: Matter of an amendment to the Southeast Community Plan (SECP), a Rezone (RZ) from the Southeast San Diego (SESD) I-2(Industrial)/CSR-1(Commercial Strip) to the CT-2(Community Commercial), an amendment to the Southeast San Diego Planned District Ordinance (SESDPDO), a nine-lot Vesting Tentative Map (VTM) with a Street Vacation (for portions of Alpha, 42nd and Beta Streets, Boston Avenue and various alleys), and a Southeast Development Permit.  
(Southcrest Community Area. District-4.)  
R3 92-0424, SESDP93-0557

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A and F; Introduce Subitem B; adopt Subitems C,D, and E approving the Community Plan Amendment, Map and Permit:

Subitem-A: (R-94-1993) ADOPTED AS RESOLUTION R-284189

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration DEP-93-0557 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council and adopting appropriate findings of mitigation pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-94-128) INTRODUCED, TO BE ADOPTED ON JULY 11, 1994

Introduction of an Ordinance rezoning to CT-2, and amending the Southeast San Diego Planned District

Ordinance.

Subitem-C: (R-94-1992) ADOPTED AS RESOLUTION R-284190  
GRANTING PLAN AMENDMENT

Adoption of a Resolution granting or denying the  
community plan amendment, with appropriate findings to  
support Council action.

Subitem-D: (R-95-59) ADOPTED AS RESOLUTION R-284191  
GRANTING THE MAP

Adoption of a Resolution granting or denying the map,  
with appropriate findings to support Council action.

Subitem-E: (R-95-60) ADOPTED AS RESOLUTION R-284192  
GRANTING THE PERMIT

Adoption of a Resolution granting or denying the  
Southeast Development Permit SEDP-93-0557, with  
appropriate findings to support Council action.

Subitem-F: (R-94-1994) ADOPTED AS RESOLUTION R-284193

Adoption of a Resolution authorizing the vacation of  
Alpha Street, 42nd Street, a portion of Beta Street, a  
portion of Boston Avenue and associated alleys within  
the boundary of Vesting Tentative Map (VTM) VTM-93-0557  
and summarily vacating a section of 42nd Street, Alpha  
Street, and associated alleys outside the VTM boundary  
as provided for under Section 66499.20-1/2 of the State  
Map Act.

OTHER RECOMMENDATIONS:

Planning Commission voted 6-0 to recommend approval.

The Southeast San Diego Community Planning Group has recommended  
approval of this project.

SUPPORTING INFORMATION:

The proposed amendments and permits would allow the construction  
of a 129,342 square-foot commercial shopping center to be located  
on the west side of 43rd Street between Alpha and Beta Streets in  
the Southcrest Neighborhood of the Southeast Community Planning  
Area. In addition, a waiver from the City requirement to  
underground public utilities is being requested. The Street  
Vacations for streets and associated alleys within the boundary  
of VTM-93-0557 shall be processed in accordance with Section

664499.20 = of the State Map Act. The summary Street Vacations for sections of streets and associated alleys outside the project boundary shall be processed under the Public Streets, Highways and Service Easement Vacation Law under Section 8330, Section 8331, and Section 8334(a) respectively. These Street Vacations require approval of a Final Map.

LEGAL DESCRIPTION:

A portion of Lot 32, Block "F" of Ocean Vista Addition, Map-1793, and Lots 10 through 31 inclusive, of Ocean Vista Gardens; portions of Lots 13 through 23 inclusive, Block "C", Lots 25 through 28 and portions of Lots 29 through 44, Block "F", Lots 46, 47, and 48 in fractional Block "G" and portions of Lots 1 through 5 inclusive, Block "H" all of Ocean Vista Addition; portion of Lot 68 of a portion of the ex-Mission Lands of San Diego known as Horton's Purchase, per Map-283.

NOTE: See the Redevelopment Agency Agenda of Tuesday, June 28, 1994 for a companion item.

FILE LOCATION: Subitem-A,C: LAND - SESDPDO/SECPA  
350-338; Subitem-B: NONE; Subitem-D:  
SUBD - Southcrest Park Plaza; Subitem-E:  
PERM - Planned Commercial Development  
Permits 93-0557; Subitem-F: DEED F-6318  
STRT J-2805 DEEDFY94-1

COUNCIL ACTION: (Tape location: A089-109.)  
Hearing began at 10:13 a.m. and halted at 10:15 a.m.

MOTION BY STALLINGS TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTIONS GRANTING THE AMENDMENT, MAP, PERMIT, AND VACATION. Second by Warden. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-341:

SUBJECT: Memorandum of Understanding with Citylink Investment Corporation.  
(See City Manager Report CMR-94-174. Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1968)      ADOPTED AS RESOLUTION R-284201

Authorizing a Memorandum of Understanding with Citylink Investment Corporation (CIC) for the preparation of a master plan for a 7 1/2 block area and possible construction of a police substation in the City Heights Redevelopment Project Area.

NOTE: See the Redevelopment Agency Agenda of June 28, 1994 for a companion item.

FILE LOCATION:              MEET

COUNCIL ACTION:              (Tape location: E013-F272.)

MOTION BY KEHOE TO ADOPT, APPROVING THE PROPOSED MOU (MEMORANDUM OF UNDERSTANDING). Second by McCarty. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-342:

SUBJECT: Matter of a proposal to demolish 424-square-feet of floor area and construct an additional 1,230-square-feet of new floor area to an existing, vacant 3,194-square-feet commercial structure (Baja-Mex Commercial Building Remodel) on portions of an improved 7,400-square-feet site located at the southwest corner of Bolton Hall Road and San Ysidro Boulevard in the CSR-3 Zone of the San Ysidro Planned District Area. The project also proposes a partial street vacation of Bolton Hall Road to accommodate private parking for the project within the existing public right-of-way. (SYDP-93-0380. District-8.) (Continued from the meetings of May 17, 1994, Item 330, and May 31, 1994, Item 334; last continued at the request of Councilmember Vargas and the Barob Group, to further study other options.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A; and adopt Subitem B to approve the permit:

Subitem-A: (R-94-1699) DENIED

Adoption of a Resolution summarily vacating the  
northerly excess portion of Bolton Hall Road.

Subitem-B: (R-94- ) ADOPTED AS RESOLUTION R-284194  
DENYING THE PERMIT

Adoption of a Resolution approving or denying the San  
Ysidro Development Plan Permit, with appropriate  
findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission voted 6-1 to recommend approval.  
The San Ysidro Community Planning Group has been notified of  
this item and has not taken a position.

FILE LOCATION: Subitem-A: MEET & STRT - J-2804;  
Subitem-B: PERM - SYDPP 93-0380

COUNCIL ACTION: (Tape location: A460-B199.)

Hearing began at 10:40 a.m. and halted at 11:04 a.m.

Testimony in favor by Jesus Monzon.

Testimony in opposition by Craig Beams, Scott Dale, A.  
Vassiliadis, and Sjirk Zylstra.

MOTION BY VARGAS TO DENY THE VACATION AND PERMIT AND MOVE  
APPROVAL OF STAFF'S CURRENT PROPOSAL WITH NO ADDITION, WHICH  
IS TO ALLOW PARALLEL PARKING ON THE SOUTH SIDE AND HAVE TWO  
TRAVEL LANES. WITH RESPECT TO STAFF'S RECOMMENDATION  
REGARDING THE DRIVEWAY ON BOLTON ROAD, STAFF IS DIRECTED TO  
DEVELOP A PARKING PLAN FIRST AND THEN FIGURE OUT WHAT IS  
NEEDED RATHER THAN DEPRESSING THE WHOLE BLOCK. STAFF IS  
DIRECTED TO WORK WITH THE APPLICANT ON THE PARKING PLAN,  
TAKING INTO CONSIDERATION SUCH ISSUES AS DRAINAGE AND  
SAFETY. Second by McCarty. Passed by the following vote:  
Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-not present,  
Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor  
Golding-yea.

ITEM-S500: HEARING HELD

**Minutes of the Council of the City of San Diego  
for the Regular Meeting of Tuesday, June 28, 1994**

**Page 20**

SUBJECT: A preliminary hearing to allow public testimony relating to establishing the annual assessments for the Downtown Maintenance District. Council will take action at the subsequent hearing scheduled for July 26, 1994 at 10:00 a.m.  
(Centre City Community Area. Districts-2,3 and 8.)  
(Continued from the meeting of June 21, 1994, Item 338, at the City Manager's request, for further review.)

**CITY MANAGER'S RECOMMENDATION:**

Hold the public hearing.

**CITY MANAGER SUPPORTING INFORMATION:**

The second public hearing establishes the annual assessments for the Downtown Maintenance Assessment District which was formed in January of 1972 by Council resolution. The district provides specialized services such as litter and graffiti control, street tree maintenance and sidewalk cleaning to individual zones within the district as well as maintaining a system of open space/parks. It is proposed that the Gaslamp Square Park be incorporated into the open space/parks zone of the district. This park, located at the southwest corner of Fifth and "L" Streets, is now under construction and is expected to be completed in September of 1994. The estimated FY '95 maintenance cost for the Gaslamp Square Park is \$30,000. The Assessment Engineer has determined that the Downtown Maintenance Assessment District will benefit from 40 percent of this park, with the remaining benefits received by the Gaslamp District (20 percent) and the City (40 percent). It is recommended that the annual maintenance costs for the park be paid by those receiving benefit in these proportions, a proposal which has been endorsed by the Downtown Partnership Association, the Gaslamp Quarter Association, and the City Park and Recreation Department. The estimated FY '95 maintenance cost to the Downtown Maintenance Assessment District for the Gaslamp Square Park is \$12,000. The total amount proposed to be assessed to the district for FY 1995 is \$689,141 compared to \$862,160 for FY 1994. This amount reflects FY '95 savings in personnel expenses. A current and prior year cost breakdown for each of the six zones is as follows:

Zone	Street Trees	"C" St. Mall	Litter/ Graffiti	Horton Plaza	E. Broadway	Open Space Parks	Total
FY '95	\$108,066	\$131,914	\$348,476	\$51,729	\$34,388	\$14,568	\$689,141
FY '94	\$140,732	\$162,499	\$448,127	\$48,242	\$45,473	\$17,097	\$862,160

FILE LOCATION: STRT M-312

COUNCIL ACTION: (Tape location: A084-088.)

Hearing began at 10:12 a.m. and halted at 10:13 a.m.

MOTION BY ROBERTS TO APPROVE THE HEARING. Second by Mathis.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S501:

SUBJECT: Alternate Resolutions related to Community Facilities  
District (CFD) No. 1, Miramar Ranch North - Fund  
Transfers.  
(Miramar Ranch North Community Area. District-5.)  
(Subitem A was continued from the meeting of June 21,  
1994, Item 354, at the City Manager's request, for  
further review by the Bond Council.)

Adoption of either Subitem A or Subitem B:

Subitem-A: (R-94-1914) ADOPTED AS AMENDED AS RESOLUTION  
R-284195 DECLARING THAT A  
TERMINATION EVENT HAS OCCURRED

Determining that a Termination Event as described in  
Section 9.06 B of the Bond Indenture for Community  
Facilities District No. 1 has not occurred;  
Authorizing the City Manager to direct the Trustee to  
release monies within the Escrow Subaccount to the Bond  
Interest and Redemption Account.

Subitem-B: (R-94-1914 Rev. 1) NOTED AND FILED

Approving a Second Supplemental Bond Indenture and a  
Second Amendment to Acquisition and Funding Agreement  
in connection with Miramar Ranch North Community  
Facilities District No. 1.

CITY MANAGER'S RECOMMENDATION:

Adopt the Resolution in Subitem A.

CITY MANAGER SUPPORTING INFORMATION:

On the July 20, 1991 Bond Closing Date, as provided in the Bond  
Indenture, certain proceeds from CFD No. 1 Series A bonds equal  
to approximately 2.75 times the annual debt service were

deposited into an Escrow Subaccount. This Escrow Subaccount was created and funded as an Underwriter consideration of sale due to the financial condition of BCE Development Corporation (BCED), the Canadian general partner with the developer, McMillin Scripps, Inc., in the Miramar Ranch North Development project. The original deposit, \$9,128,395.31, remains in the Escrow Subaccount. Per the Bond Indenture, all monies remaining in the Escrow Subaccount on July 15, 1994 are to be transferred to the designated redemption account within the district's Special Tax Fund. However, if on or before this date, the developer satisfies a "Termination Event" as described in the Bond Indenture, these monies would be transferred to the Construction Account to reimburse the developer for the cost and expense of certain public facilities. Absent a "Termination Event" these monies are to transfer to the Redemption Account. On May 20, 1994, the City received documentation in the form of an unqualified opinion on BCED's 1993 audited financial statements from Deloitte & Touche. The developer asserted that this would indicate that a "Termination Event" had occurred. The Underwriter for CFD No. 1 has reviewed this documentation and concluded that there is insufficient justification to substantiate that a "Termination Event" has been satisfied. Additional documentation from the developer has not changed the Underwriter's opinion and the Bond Counsel's opinion. Under these circumstances and based upon information available to staff at the time this report was prepared, the City Attorney, the City Auditor and Comptroller, and the City Manager concur with this conclusion. The developer has been advised in writing of the City staff recommendation and of today's scheduled docket date to consider this matter and may present additional information at that time regarding a possible "Termination Event". With council approval, staff will inform the Trustee for CFD No. 1 that all monies on deposit in the Escrow Subaccount are to be used to call bonds.

FILE LOCATION: STRT CF-1

COUNCIL ACTION: (Tape location: B210-C121.)

MOTION BY McCARTY TO ADOPT A RESOLUTION TO DECLARE THAT A TERMINATION EVENT HAS OCCURRED. Second by Kehoe. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-not present, Warden-ineligible, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-yea.

ITEM-S502: CONTINUED TO JULY 26, 1994

SUBJECT: San Diego Area Wastewater Management District.  
Discussing and determining whether the City of San  
Diego will remain a member of the San Diego Area  
Wastewater Management District.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: G110-H055.)

Motion by Mathis to withdraw. Second by Kehoe. Vote not  
taken.

Substitute motion by Stallings to extend taking action for  
30 days to accommodate those agencies that have not had a  
chance to meet. No second.

AMENDED MOTION BY MATHIS TO DEFER TAKING ACTION FOR 30 DAYS,  
AS RECOMMENDED BY COUNCIL MEMBER STALLINGS, THEN COME BACK  
WHEN THE CITY KNOWS WHERE EACH OF THE JURISDICTIONS ARE.  
CONTINUE TO JULY 26, 1994, AS REQUESTED BY MAYOR GOLDING.  
Second by Kehoe. Passed by the following vote: Mathis-yea,  
Roberts-yea, Kehoe-yea, Stevens-not present, Warden-yea,  
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-94-1999) ADOPTED AS RESOLUTION R-284199

A Resolution adopted by the City Council in Closed Session  
on June 28, 1994:

Authorizing the City Manager to pay the sum of \$30,000.00 in  
the settlement of each and every claim against the City of  
San Diego, its agents and employees, in Superior Court Case  
No. 665642, Sandy v. City of San Diego, resulting from  
injuries sustained by plaintiffs Jacob and Barbara Sandy on  
June 18, 1992, at the South Clairemont Recreation Center  
swimming pool; authorizing the Auditor and Comptroller to  
issue one check in the amount of \$30,000.00, made payable to  
Barbara Sandy and her attorneys of record Casey, Gerry,  
Casey, Westbrook, Reed and Schenk in full settlement of all  
claims.

Aud.Cert. 9401246.

FILE LOCATION: MEET

ITEM-CS-2: (R-94-1998) ADOPTED AS RESOLUTION R-284200

A Resolution adopted by the City Council in Closed Session  
on June 28, 1994:

Authorizing the City Manager to pay the sum of \$57,153.18 in  
the settlement of each and every claim against the City of  
San Diego, its agents and employees, resulting from the  
property damage claim of Eugene O'Brien; authorizing the  
Auditor and Comptroller to issue one check in the amount of  
\$57,153.18, made payable to Luth & Turley, Inc., in full  
settlement of all claims.  
Aud.Cert. 9401224.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:25 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H056).